

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 12, 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING May 12, 1992,
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

| | | |
|-------------------|------------------|--------------------|
| BRADBURY <u>✓</u> | EDMONDS <u>✓</u> | GIAQUINTA <u>A</u> |
| HENRY <u>✓</u> | LONG <u>✓</u> | LUNSEY <u>✓</u> |
| RAVINE <u>✓</u> | SCHMIDT <u>A</u> | TALARICO <u>✓</u> |

ABSENT: 2
COUNCILMEMBER: Schmidt, GiaQuinta

THE MINUTES OF THE LAST REGULAR April 28, 1992,
_____, 19____,
SPECIAL _____, 19____.

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



The City of Fort Wayne

29 April 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-04-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R-3 to B-1-B

DETAILS

Specific Location and/or Address

5730 So Anthony Bl & 1713 E Paulding Rd

Reason for Project

Future development and construction of
a Walgreen's Drug Store.

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

See Attached Minutes for Hearing

27 April 1992 - Business Meeting

Motion was made and seconded to return the
ordinance to the Common Council with a
DO PASS recommendation.

Of the seven (7) members present, six (6)
voted in favor of the motion, one (1) did
not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Hall's Drive Ins Inc
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

| | | |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| | | |
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| Operational Impact Assessment | | |
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(This space for further discussion)

Project Start

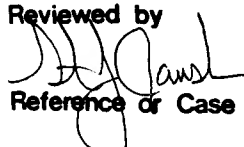
Date 19 March 1992

Projected Completion or Occupancy

Date 29 April 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 April 1992

Reviewed by


Date
29 APRIL 1992

Reference or Case Number

Bill No. G-92-04-11 - Vacation Petition #508
The first east-west alley north of Paulding Road, running
west off of Anthony Blvd. And a north-south utility
easement that runs to the alley.

5. Public Hearing on a Zoning Map Amendments

- a. Bill No. Z-92-04-08 - Change of Zone #507
From R-3 to B-1-B
5730 So Anthony Bl & 1713 Paulding Rd

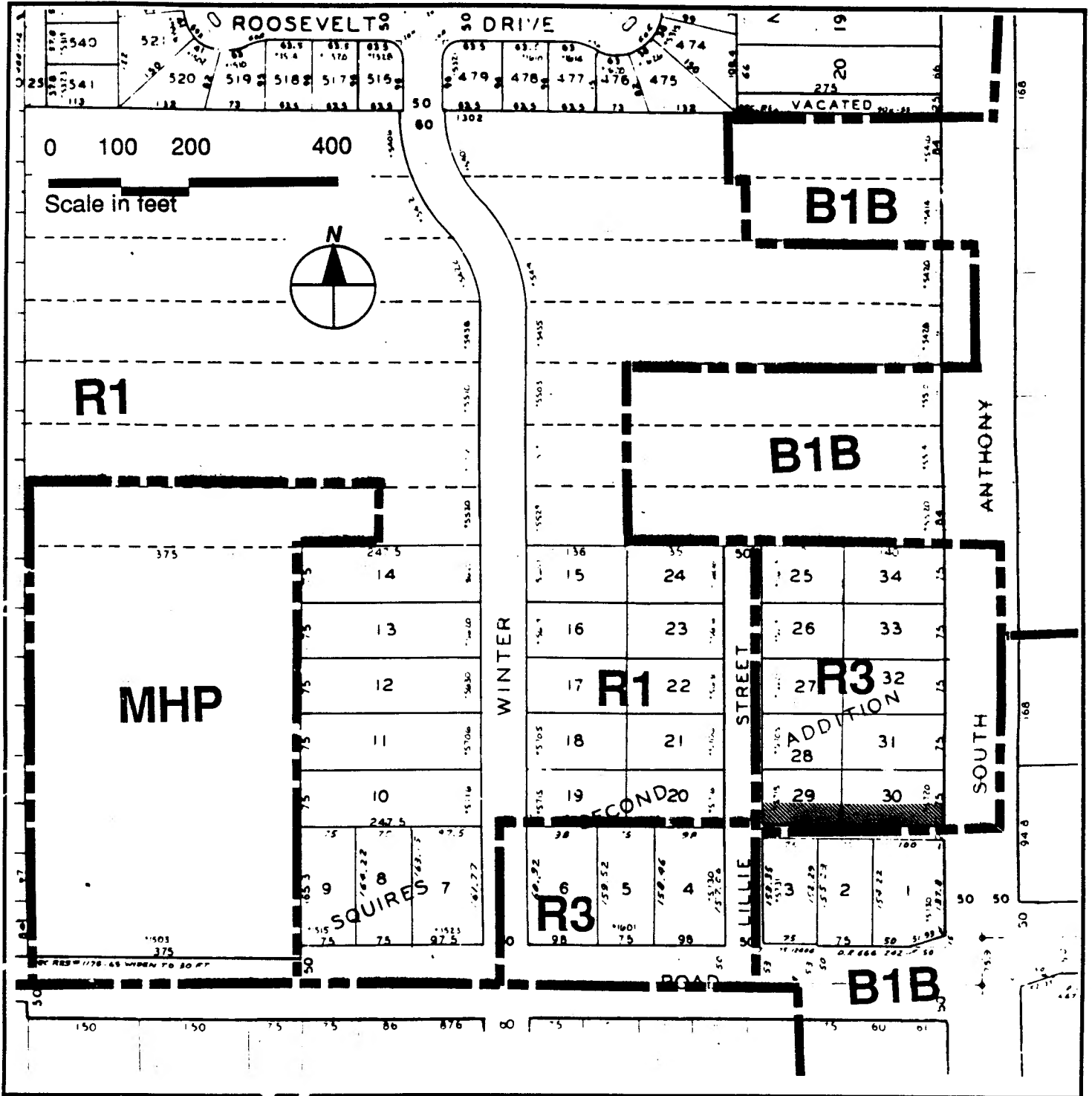
Dan Serban, attorney for the petitioners appeared before the Commission for Vacation Petition #508 as well as Change of Zone #507. Mr. Serban stated that he would speak to both issues jointly. Mr. Serban stated that he was representing St. Mary's Realty who is the purchaser of the property, and the property owners abutting the alley. He stated that they hope to develop the property, if the alley is vacated and the rezoning approved, for a new Walgreen's Store. He stated that the existing structures would be demolished. He stated that they are the only owners of property on either side of this unopened and unimproved alley. He stated that they are willing to comply with the staff conditions and will provide for the utilities in the alley as needed. He stated that this request would allow for the extension of the existing commercial zoning in an area that is not appropriate for residential.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation or rezoning request.

REZONING PETITION

AREA MAP

CASE NO. #507



COUNCILMANIC DISTRICT NO. 6

Map No. O-19

LW 3-27-92

| | | | | | |
|--------------|-------------------|------------|------------------------------|------------|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PUD | Planned Unit Dev. | POD | Professional Office District | | |

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1992 the City Plan Commission which proposed ordinance was designated Bill No. Z-92-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

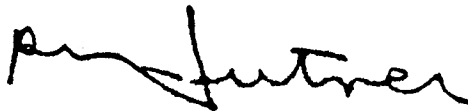
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
29th day of April 1992.



Robert Hutner
Secretary

Daniel E. Serban, attorney for the petitioners, requests a change of zone from R-3 to B-1-B.

Location: 5730 South Anthony and 1713 Paulding Road.

Legal: See file

Land Area: Approximately 0.26 acres

Zoning: R-3

| | | | |
|---------------|-------|--------|------------------------|
| Surroundings: | North | R-3 | Office |
| | South | B-1-B | Commercial (Vacant) |
| | East | RA/B1B | Commercial |
| | West | R3/R1 | Commercial/Residential |

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This petition is requests the re-zoning of a 25 foot wide strip of property that is located at the south lines of lot 29 and 30 of Squires Second Addition, and the rezoning of an existing public right-of-way that has a vacation petition pending. Although the petition does not so state, it appears that the intent is the re-use and re-development of the commercial site located on the corner.

The intersection of Anthony Blvd. and Paulding Road have been developed commercial for some time. Commercial uses also extend away from the intersection, predominately to the north and south, and have blend in with existing residential uses very well. There is a relatively high volume of traffic along all four legs of this intersection. The petition will allow the extension of the

existing commercial zoning in an area that is appropriate for non-residential uses.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan.
- 2) Approval is consistent with the existing land uses at this intersection.
- 3) Approval will encourage investment in appropriate ground for appropriate commercial uses.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

April 29, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-04-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From POD to B-1-A

DETAILS

Specific Location and/or Address

4704 E State Bl

Reason for Project

Beauty Salon

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

See Attached Minutes of Meeting

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
Patrick J Bruggeman

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☒ Against

Reason Against
-approval would create spot zoning.

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DE TAILS

| | |
|-------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
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| | |
| Operational Impact Assessment | |
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(This space for further discussion)

Date 19 March 1992

Date 29 April 1992

Date 29 April 1992

Date 29 APRIL 1992

Reference or Case Number

Bill No. Z-92-04-09 - Change of Zone #506
From P.O.D. to B-1-A
4704 E State Bl

Peter Mallers, attorney for the petitioner appeared before the Commission. Mr. Mallers stated that they were requesting the rezoning in order to accommodate a beauty salon. He stated that the structure is existing and would house an 8 station salon. He stated that no part of the premises would be used for retail sales, except for sale of products to customers who were already there. Mr. Mallers stated that he felt a beauty salon was a compatible use along with professional offices. He stated that it was a use that is closely related to health care. He stated that the professional office park has a restrictive covenant which would limit the site to a beauty shop use. He stated that he felt the beauty salon would have no adverse effect on the property values in the area. He stated that he felt there were certain uses already existing in the POD that were somewhat out of line with a professional office use. He stated that the largest tenant of the park is TLC Child Care Center which was not, in his opinion, a professional office use. He stated they also have a diet and nutrition facility in the park, which again was a health related field. He stated that in the State & Reed POD, south of this property they have a B1A classification that was rezoned specifically for a beauty salon and is currently being used as one.

It was questioned by a Commissioner when the existing B1A zoning was approved in the State & Reed POD.

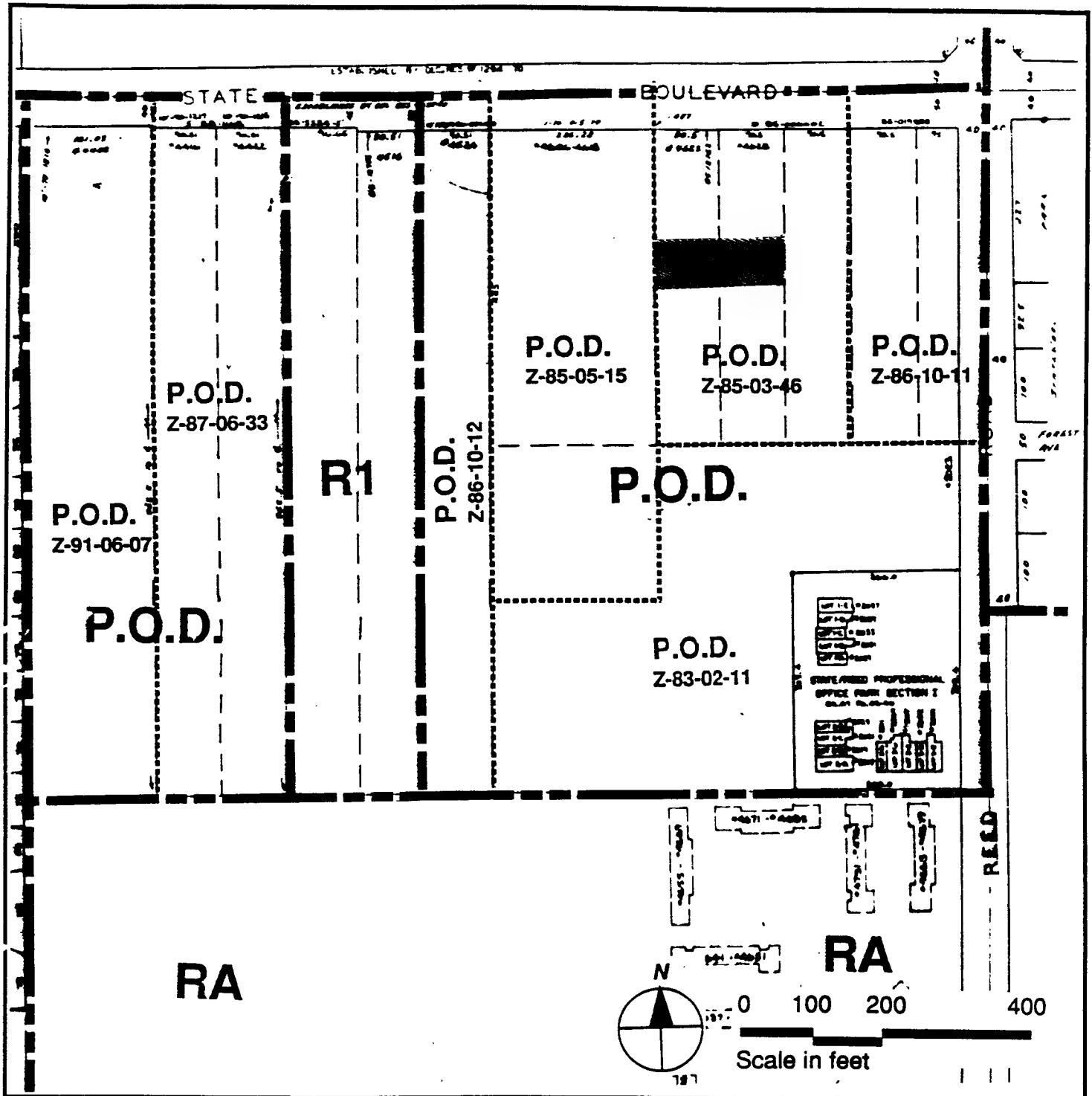
It was stated that it was approved in 1986.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #506



COUNCILMANIC DISTRICT NO. 2

Map No. S-14
LW 3-27-92

| | | | | | |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PUD | Planned Unit Dev. | POD | Professional Office District | | |

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana April 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-92-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

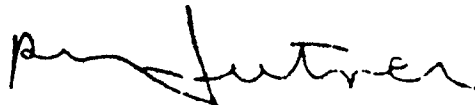
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
19th day of April 1992.



Robert Hutner
Secretary

Peter Mallers, attorney for the petitioners, requests a change of zone from P.O.D. (Professional Office District) to B-1-A.

Location: 4704 E. State Blvd.

Legal: See file

Land Area: Approximately 0.25 acres

Zoning: P.O.D.

Surroundings: This site is contained within a Professional Office District development.

Reason for Request: Beauty salon/shop

Neighborhood Assoc.: None

Comprehensive Plan: The land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: This rezoning would remove most of the site development controls presently existing which protect the character, integrity, and natural features of the site. B-1-A zoning would allow substantial site changes which could adversely affect the residential character of the surrounding area.

Planning Staff Discussion:

The purpose of the Professional Office District as set forth in the ordinance is "designed to provide specific areas where professional offices, businesses compatible with these offices, and certain public and quasi-public uses may be developed into a center with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt their use". Permitted uses are limited to offices only - administrative, business, government and professional.

The area surrounding this P.O.D. development is zoned as either residential or other Professional Office Districts. The Commission

has supported professional office development east of Coliseum Boulevard, while limiting retail and services uses to the Coliseum Boulevard frontage, or westerly on State Boulevard. There are apartments located to the south off of Reed Road, with single family homes located on the east side of Reed Road, and on the north side of State Boulevard. Other offices are located to the west, between this development and Coliseum Boulevard.

In the past, both the Plan Commission and the area residents have expressed their concern over possible commercial intrusion into the area. In 1988, the Statewood Park Association petitioned for a downzoning in order to protect the single family nature of the area to the east. Both the Plan Commission and Common Council have strongly supported professional office development between Coliseum Boulevard and Reed Road, preserving the ground to the east for low intensity residential uses, and allowing the POD development to serve as a transitional zone, buffering the residential areas from the more intense commercial uses along Coliseum Boulevard.

As the Commission is aware, rezoning petitions are evaluated against an established criteria that includes the Comprehensive Plan, conditions and character of uses, conservation of property values, and the principle of responsible development and growth. Approval of this request would not be consistent with the purpose of the zoning classification, would not represent responsible growth, and in fact could be detrimental to the area. Approval of the petition could result in a negative impact on adjacent property values, and would be inconsistent with the Comprehensive Plan. The Professional Office District designation includes site development controls which protect the character, integrity, and natural features of the site. A B-1-A zoning would allow potentially substantial site changes to occur.

Additionally, it has been the policy of the Plan Commission to discourage the removal of a parcel from a planned district unless extenuating circumstances are present. We are not aware of any circumstances that would support this property being rezoned. In fact, the need for this rezoning does not arise from conditions peculiar to the property, nor to characteristics of the general neighborhood, but simply from the fact that the intended use is not permitted within this classification.

Recommendation: Do Not Pass for the following reasons:

- 1) Approval is contrary to the purpose of the existing zoning classification.
- 2) Approval could have a negative impact on property values in the area, and would be inconsistent with the Comprehensive Plan.
- 3) Approval is not consistent with the principles of responsible development and growth.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

April 29, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-04-10

Respectfully submitted,--

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-3 to M-1

DETAILS

Specific Location and/or Address

400 & 500 Blk of E Wallace St

Reason for Project

Expansion of an existing legal non-conforming business at 532 E Wallace and to make the area more consistently classified.

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

Linda Buskirk, representing the Board of Public Works stated that the Board had been approached by the owners of the property at 532 E Wallace Street to be part of their rezoning request. She stated that they looked at the area and felt since it is located directly across from the Water & Water Pollution Control Maintenance facilities and the city garage that it would be consistent zoning for the property. She stated that the city currently has no plans to do anything with the property. She stated that part of it is already being used for parking and that would not change at this time.

Bill Rice, 532 E Wallace Street, the owner of "Bent & Broke Home Improvement" stated that he wanted to expand his business. He stated however, that the business was currently a legal non-conforming use and in order to do so needed to be reclassified to the appropriate zoning.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Board of Public Works
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Motion carried.

POLICY/PROGRAM IMPACT

| | |
|-------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
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| | |
| Operational Impact Assessment | |
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(This space for further discussion)

Project Start

Date 18 March 1992

Projected Completion or Occupancy

Date 29 April 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 April 1992

Reviewed by

Date

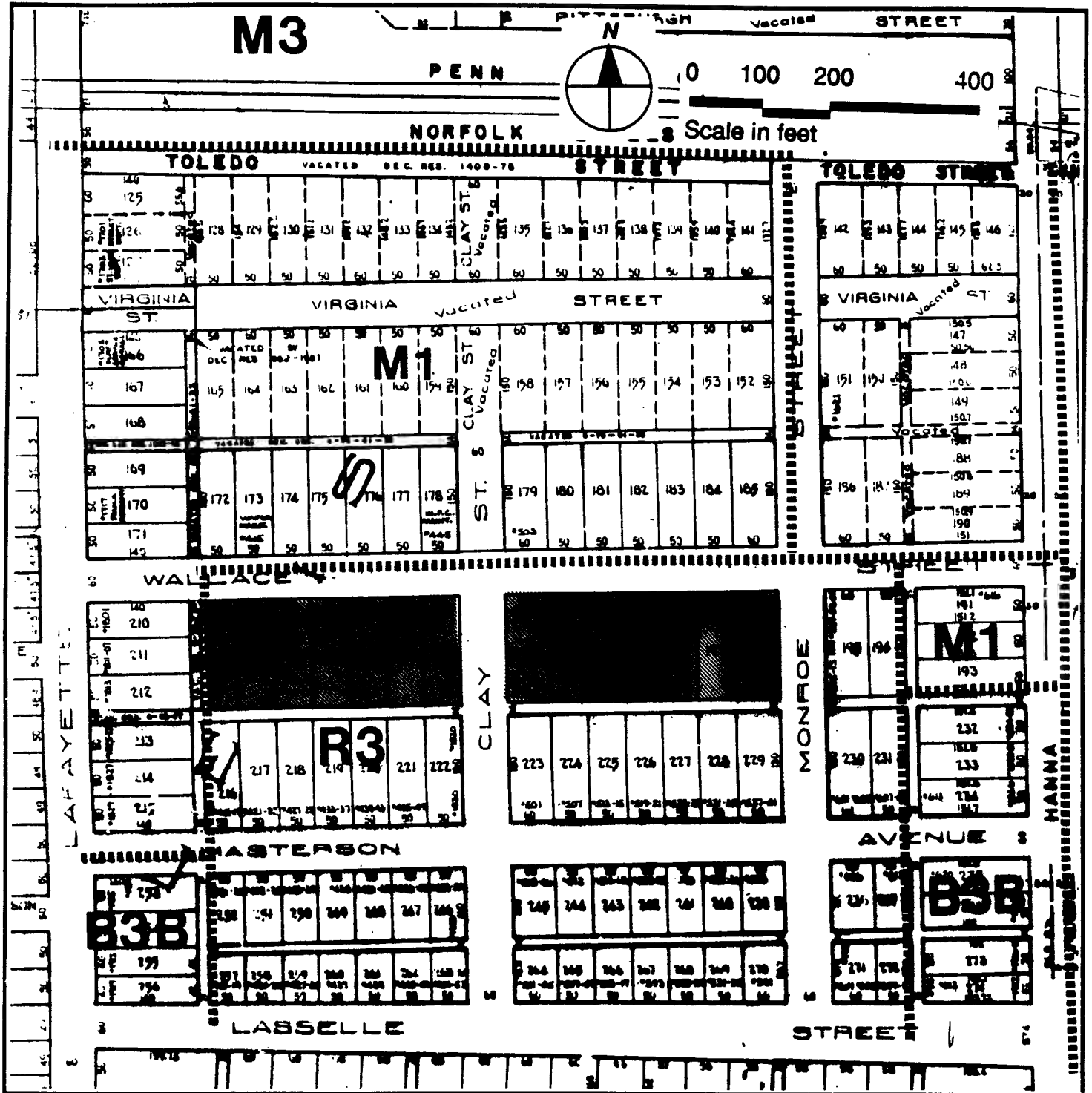
29 APRIL 1992

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #505



COUNCILMANIC DISTRICT NO. 1

Map No. N-2
LW 3-27-92

| | | | | | |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PL D | Planned Unit Dev. | POD | Professional Office District | | |

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-04-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
29th day of April 1992.



Robert Hutner
Secretary

The Board of Public Works of the City of Fort Wayne requests a change of zone from R-3 to M-1.

Location: The south side of Wallace Street between the 1st north-south alley east of Lafayette Street, east to Monroe Street.

Legal: Lots 196 through 209 Lewis Addition.

Land Area: Approximately 1.24 acres

Zoning: R-3

| | | | |
|---------------|-------|-------|------------------------|
| Surroundings: | North | M-1 | Government |
| | South | R-3 | Residential |
| | East | R3/M1 | Residential/Commercial |
| | West | B-3-B | Government |

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Larez Neighborhood

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: No comment.

Landscape: Rezoning of this property without an adequate view buffer will have a negative effect on the ability to re-establish a strong residential neighborhood to the south in the future. A minimum 6 foot high buffer, at least as tall as the site elements creating an industrial image should be placed at the site's south property line.

Planning Staff Discussion:

This area of Wallace Street is located directly across from the Water and Water Pollution Control Maintenance facilities, and the city garage.

Staff has some concerns regarding this unique area. This area represents a blend of relatively low intensity industrial type uses adjacent to residential uses. The city has facilities on both Wallace Street and on the Lafayette Street frontage. These service uses co-exist with residential development to the south and east, with additional industrial development located further east on Wallace Street.

Staff agrees that the Wallace Street corridor from Lafayette east should be re-developed with the non-manufacturing and non-processing types of industrial uses permitted under the requested classification.

This rezoning petition also affords the city the opportunity to set an example by harmonizing the blend of these uses with the adjacent residential development. With the conscientious use of landscape buffering as well as other mitigation techniques, the city can strongly encourage re-investment in the neighborhood. These potential improvements, along with a commitment from the Plan Commission, should help check further deterioration of the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the character of development along this portion of the Wallace Street corridor.
- 2) Approval will encourage re-investment and re-development.
- 3) Approval represents the highest or best potential use of the land.

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-3 to M-1

DETAILS

Specific Location and/or Address

400 & 500 Blk of E Wallace St

Reason for Project

Expansion of an existing legal non-conforming business at 532 E Wallace and to make the area more consistently classified.

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

Linda Buskirk, representing the Board of Public Works stated that the Board had been approached by the owners of the property at 532 E Wallace Street to be part of their rezoning request. She stated that they looked at the area and felt since it is located directly across from the Water & Water Pollution Control Maintenance facilities and the city garage that it would be consistent zoning for the property. She stated that the city currently has no plans to do anything with the property. She stated that part of it is already being used for parking and that would not change at this time.

Bill Rice, 532 E Wallace Street, the owner of "Bent & Broke Home Improvement" stated that he wanted to expand his business. He stated however, that the business was currently a legal non-conforming use and in order to do so needed to be reclassified to the appropriate zoning.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Board of Public Works
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Pat Kemp, with Superior Industrial Supply and Service, 541 W Wallace Street stated that he was endorsing the rezoning. He stated that he felt the area should be rezoned commercially and opened up as a business corridor.

Bill Brown also spoke in favor of approval and business growth in this area.

There was no one else present to speak in favor of or in opposition to the proposed rezoning.

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

| | | |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| | | |
| | | |
| | | |
| Operational Impact Assessment | | |
| | | |
| | | |
| | | |

(This space for further discussion)

Project Start

Date 18 March 1992

Projected Completion or Occupancy

Date 29 April 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 April 1992

Reviewed by

Date

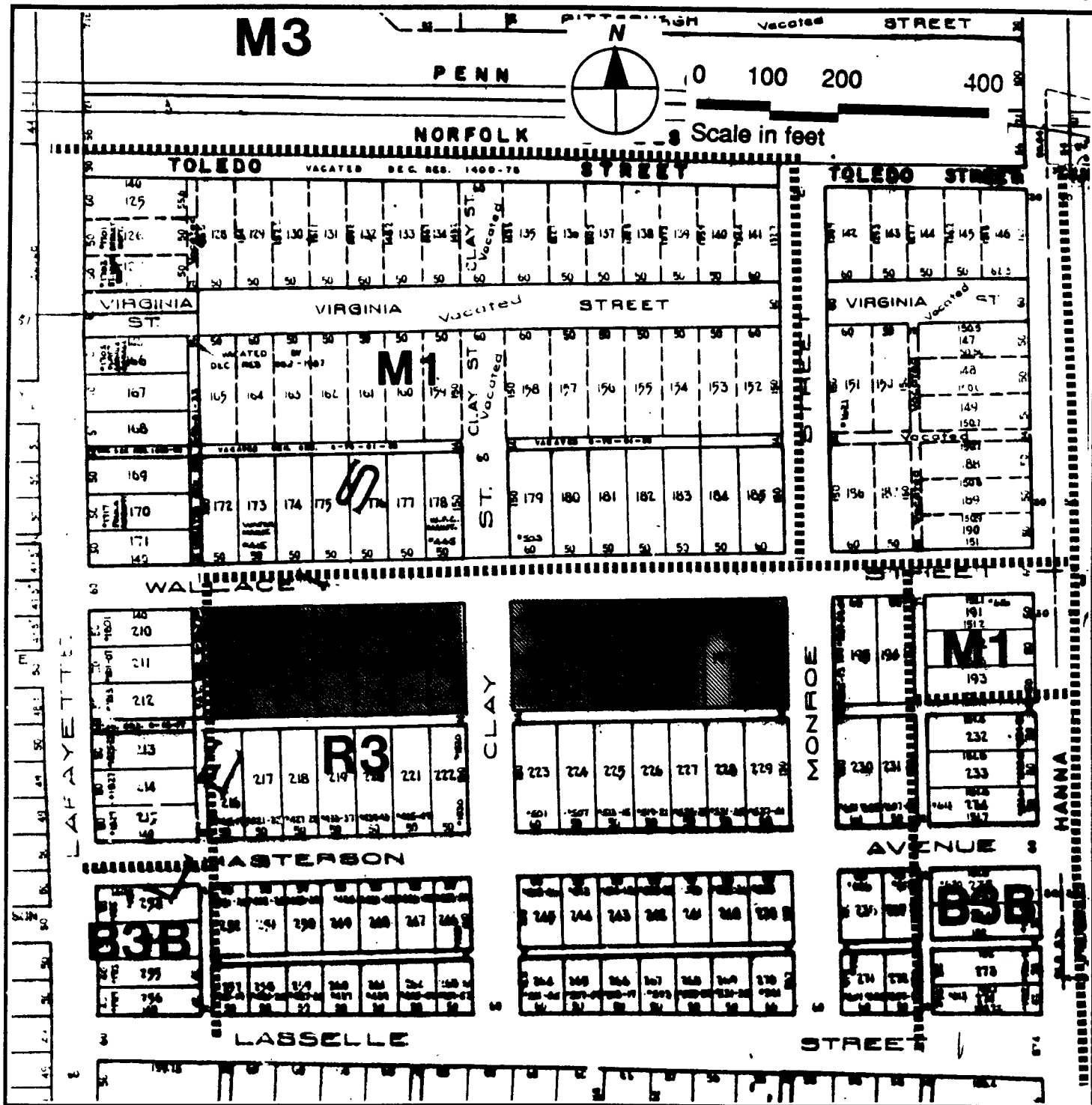
Reference or Case Number

29 APRIL 1992

REZONING PETITION

AREA MAP

CASE NO. #505



COUNCILMANIC DISTRICT NO. 1

Map No. N-2
LW 3-27-92

| | | | | | |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PL D | Planned Unit Dev. | POD | Professional Office District | | |

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-04-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
29th day of April 1992.



Robert Hutner
Secretary

The Board of Public Works of the City of Fort Wayne requests a change of zone from R-3 to M-1.

Location: The south side of Wallace Street between the 1st north-south alley, east of Lafayette Street, east to Monroe Street.

Legal: Lots 196 through 209 Lewis Addition.

Land Area: Approximately 1.24 acres

Zoning: R-3

| | | | |
|---------------|-------|-------|------------------------|
| Surroundings: | North | M-1 | Government |
| | South | R-3 | Residential |
| | East | R3/M1 | Residential/Commercial |
| | West | B-3-B | Government |

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Larez Neighborhood

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: No comment.

Landscape: Rezoning of this property without an adequate view buffer will have a negative effect on the ability to re-establish a strong residential neighborhood to the south in the future. A minimum 6 foot high buffer, at least as tall as the site elements creating an industrial image should be placed at the site's south property line.

Planning Staff Discussion:

This area of Wallace Street is located directly across from the Water and Water Pollution Control Maintenance facilities, and the city garage.

Staff has some concerns regarding this unique area. This area represents a blend of relatively low intensity industrial type uses adjacent to residential uses. The city has facilities on both Wallace Street and on the Lafayette Street frontage. These service uses co-exist with residential development to the south and east, with additional industrial development located further east on Wallace Street.

Staff agrees that the Wallace Street corridor from Lafayette east should be re-developed with the non-manufacturing and non-processing types of industrial uses permitted under the requested classification.

This rezoning petition also affords the city the opportunity to set an example by harmonizing the blend of these uses with the adjacent residential development. With the conscientious use of landscape buffering as well as other mitigation techniques, the city can strongly encourage re-investment in the neighborhood. These potential improvements, along with a commitment from the Plan Commission, should help check further deterioration of the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the character of development along this portion of the Wallace Street corridor.
- 2) Approval will encourage re-investment and re-development.
- 3) Approval represents the highest or best potential use of the land.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

April 29, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-03-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R2 to R3

DETAILS

Specific Location and/or Address

2002-08-24 Maumee & 1221-23-25-31 Grant Av

Reason for Project

Proposed development of apartment buildings.

Discussion (Including relationship to other Council actions)

16 March 1992 - Public Hearing

See Attached Minutes of Meeting

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Richard L Sanders
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☒ Against

Reason Against

-approval would establish an undesirable precedent that could negatively impact area

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

| | |
|--|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
| | |
| | |
| Operational Impact Assessment | |
| | |
| | |
| | |

(This space for further discussion)

Project Start

Date

14 February 1992

Projected Completion or Occupancy

Date

29 April 1992

Fact Sheet Prepared by

Date

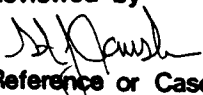
29 April 1992

Patricia Biancaniello

Reviewed by

Date

29 APRIL 1992



Reference or Case Number

Bill No. Z-92-03-14 - Change of Zone #503
From R-2 to R-3
2002-08-24 Maumee Ave & 1221-23-23-31 Grant Ave

Doug McComb, engineer, for a proposed multi-family development on this property appeared before the Commission. Mr. McComb stated that he was involved with the project from an engineering standpoint and would like to address those issues. He stated at this point with the rezoning now just being heard it would be premature to do so. He stated that he had met with the staff and discussed the capability of doing this type of project if the rezoning was granted. He stated that he felt confident that they could put the units on the property that they are asking to rezone. He stated that he was aware that the current concern was as to how compatible this would be with the surrounding area. He stated that he would let Mr. Sanders speak to that question.

Richard Sanders, the owner of Sanders Mortuary and developer of the proposed apartments, appeared before the Commission. Mr. Sanders stated that they feel that this type of project is needed in the inner city. He stated that across from the mortuary they have East Central Towers. He stated that they have a five (5) year waiting list for those units. He stated that they were considering the development for senior citizens. He stated that the senior citizens in the area do not want to sell their homes and move out of their neighborhoods. He stated they want to live where their friends and churches are located. He stated that they would have a security watch on this complex on a 24 hour basis. He stated that he felt this development would help protect senior citizens and help to upgrade the area. He stated that they have been working with the Housing Authority and they would be helping to place some of the people in this project who are unable to get into the current senior citizen facilities. He stated that they are looking to have the units filled through the Housing Authority. He stated that they would also have the Housing Authority play as manager of the buildings.

Steve Smith questioned how many units would be built on the site.

Mr. Sanders stated that there would be six (6) buildings with a total of eight (8) units per building, two-story in height.

Mel Smith questioned if they had looked at reducing the density of the project to duplexes.

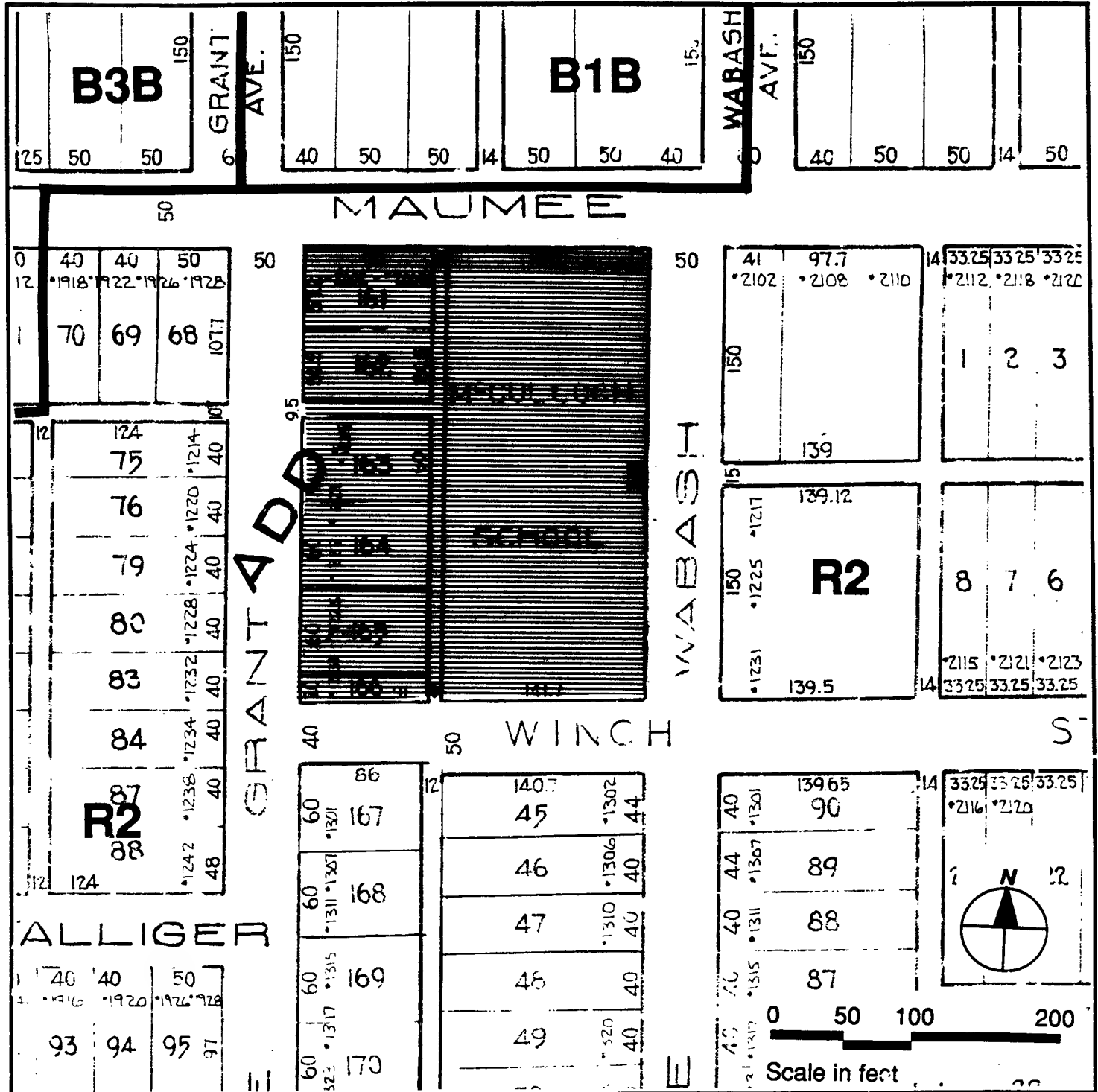
Mr. Sanders stated that they have not. He stated that he did not feel duplexes would accommodate the needs they are trying to meet.

There was no one else present to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #503



COUNCILMANIC DISTRICT NO. 1

Map No. P-2
LW 2-20-92

R One-Family
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on March 10, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-92-03-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1992.

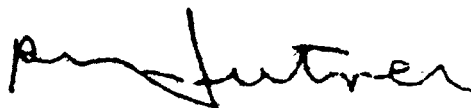
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
29th day of April 1992.



Robert Hutner
Secretary

Richard L. Sanders requests a change of zone from R-2 to R-3.

Location: 2002-08-24 Maumee Ave & 1221-23-25-31 Grant

Legal: See file

Land Area: Approximately 1.7 acres

Zoning: R-2

| | | | |
|---------------|-------|---------|------------------------|
| Surroundings: | North | R-2/B3B | Primarily residential |
| | South | R-2 | Primarily SFR |
| | East | R-2 | Primarily SFR & school |
| | West | R-2 | Primarily SFR |

Reason for Request: Proposed development of apartment buildings.

Neighborhood Assoc.: Memorial Park

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: Between 1988 and 1991 there was significant investment in this neighborhood though the city's Neighborhood Strategy Area Program. This investment along with residents interest has helped to stabilize this area.

The area in question is predominantly single-family with scattered other uses. The Neighborhood Planning staff feels that while this vacant land is usable, a multi-family development is not the best use. Due to the surrounding uses and characteristics the Neighborhood Planning staff would prefer to see the land used for a less-dense type of development. We encourage the development of this 1.72 acre parcel but not as it is proposed.

Landscape: No comment.

Planning Staff Discussion:

The petitioner would like to rezone this parcel of ground to R-3 so that he can develop multi-family apartment buildings. The area has been predominately developed as single family residential, and a middle school is approximately one block from this site.

Rezoning petitions are evaluated against an established criteria that covers not only the Comprehensive Plan, but also the character and conditions of uses and structures in the area, the highest or best land use, property values concerns and the principles of responsible development and growth.

The concerns of both the Comprehensive Plan and the Neighborhood Plan indicate the need to encourage re-investment and promote development in this area. While the primary land use in this area is single family, the existing zoning would allow for duplex lot development.

The requested R-3 zoning would permit a number of potential uses that would be out of character with the existing development in the area, and would allow multi-family development of a much greater density than currently exists.

NSA program improvements in this area over the last three years have helped stabilize this area. Stabilization leads to renewed interest in reinvestment. We believe that re-development and re-investment should be strongly encouraged as long as the proposals are within the established character of the area, and do not set a precedent that could lead to area deterioration, and a declination of property values.

Staff is extremely supportive of reinvestment in this area, and would welcome the opportunity to meet with the petitioner in order to discuss development potentials more appropriate for the area.

Recommendation: Do Not Pass for the following reasons:

- 1) Approval would not be in character with existing development in the area;
- 2) Approval would support an intensity of land uses that could lead to depreciation of property values;
- 3) Approval would establish a undesirable precedent that could negatively impact the community.

Addendum

Staff had the opportunity to meet with the petitioner and his engineer to discuss the merits of this petition and any alternative development proposals that he might be considering.

We discussed the initial proposal which consists of 48 apartment units in 6 buildings on this 1.7 acre site. We explained the staff concern that the proposed density of 28.2 units per acre was too intense for this relatively small tract. The current zoning would allow duplex uses at a density of approximately 14 units per acre. (Single family development would yield a 7.2 units per acre density.) Our discussion then went on to include other alternative development possibilities. Mr. Sanders raised the issue of a branch bank and/or some other limited commercial operations taking place on this parcel, even if only to serve the residents of the apartment project.

While staff strongly support Mr. Sanders desire to re-invest in this area, that development must be channeled in a constructive manner which does not lead to further deterioration. While some might suggest that the current open green space land use enhances the area, it is clear that such use does not in any way negatively effect the area.

Following this meeting, staff agreed to re-evaluate the petition and their previous recommendation. Re-evaluate included another visit to the area in order to re-survey the condition and character of uses.

While it is correct that some properties on the north side of Maumee Avenue are zoned commercially, the only commercial uses are the Koester Body Shop at the corner of Grant, and commercial uses in the 2000 block and 2100 block of Maumee. (See associated graphic.)

The predominate land use in the immediate area of the petition is single family residential. Other major land uses in the general area include the Lutheran Cemetery, Memorial Park, and the Falstaff Brewery site on the north side of Maumee Avenue. Major land uses on the south side of Maumee Avenue are Tokheim (south of the railroad), Wayne Metal Products on the east side of Wabash Avenue (just north of the railroad), and a commercial strip between Anthony and Fletcher. Memorial Park School is located east of Dubois Street, on the south side of Maumee Avenue, as is a Moose Lodge.

Staff would like to reiterate the comments received from the Comprehensive and Neighborhood Plan staffs: 1) Proposals should be compatible with existing and planned land uses. 2) Proposals should not establish an undesirable precedent in the area. 3) Proposals should maintain existing development. 4) Proposals should halt deterioration. 5) And finally, proposals should

encourage reinvestment. We believe this to mean encourage appropriate reinvestment, and not investment at any cost.

The Neighborhood Planning staff goes on to say, "Due to the surrounding uses and characteristics the Neighborhood Planning staff would prefer to see the land used for a less-dense type of development. We encourage the development of this 1.72 acre parcel but not as it is proposed."

In addition to permitting other non-traditional residential uses, the requested zoning would not only allow Mr. Sanders proposed 28.2 units per acre density, but would allow density increases up to 43.5 units per acre.

Staff re-evaluation concludes by re-affirming the original recommendation.



The City of Fort Wayne

1 May 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street right-of-way.

The proposed ordinance is designated as:

Bill No. G-92-02-20

Respectfully submitted

CITY PLAN COMMISSION

Certified and signed this
1st day of May 1992.

A handwritten signature in black ink, appearing to read "R. Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS

Specific Location and/or Address

Berkley Drive south from Nevada Avenue

Reason for Project

Neighborhood improvement.

Discussion (Including relationship to other Council actions)

24 February 1992 - Public Hearing

Wilbur Weber, 7630 Fritz Road, petitioner, appeared before the Commission. Mr. Weber stated that they would like to vacate this portion of street in order to clean up the area and to clean up the neighborhood. He stated that the area to be vacated is not open nor has it ever been improved. Mr. Weber stated that the staff pointed out that he had failed to get one of the signatures of the adjacent property owners. Mr. Weber presented the Commission with a document with the signature needed. He also presented the Commission with a new survey showing the proposed easement dedication through this right-of-way.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)
Wilbur Weber
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

2 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

| | |
|--|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
| | |
| | |
| Operational Impact Assessment | |
| | |
| | |
| | |

(This space for further discussion)

Project Start

Date 6 January 1992

Projected Completion or Occupancy

Date 9 March 1992


Fact Sheet Prepared by

Date 9 March 1992

Patricia Biancaniello

Reviewed by

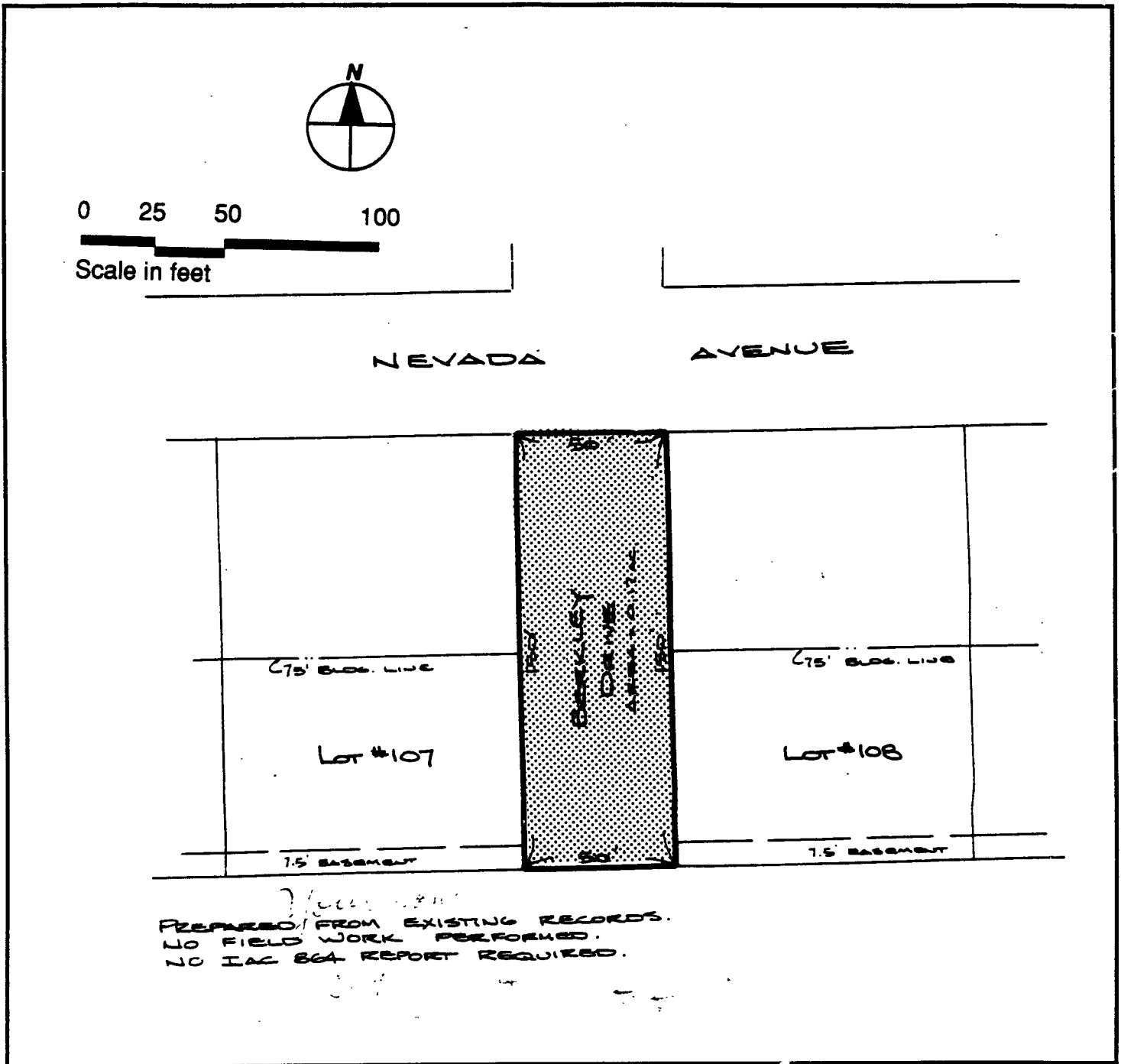
Date 1 MAY 1992


Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #496



COUNCILMANIC DISTRICT NO. 4

Map No. T - 14
LW 1-28-92

| | | | | | |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1 | One-Family | B1 | Limited Business | M1 | Light Industrial |
| R2 | Two-Family | B2 | Planned Shopping Center | M2 | General Industrial |
| R3 | Multi-Family | B3 | General Business | M3 | Heavy Industrial |
| RA/RB | Residential | B4 | Roadside Business | MHP | Mobile Home Park |
| PUD | Planned Unit Dev. | POD | Professional Office District | | |

126

Wilbur & Julia Weber, Kenneth & Wretha Douglas, and J-A Limited Partnership, request the vacation of a portion of a public street.

Location: Berkley Avenue south of Nevada Avenue

Legal: See file

Land Area: Approximately 0.17 acres

Zoning: R-1

| | | | |
|---------------|-------|-----|-------------|
| Surroundings: | North | R-1 | Residential |
| | South | R-1 | Residential |
| | East | R-1 | Residential |
| | West | R-1 | Residential |

Reason for Request: Neighborhood improvement.

Neighborhood Assoc.: Statewood Park Neighborhood Association

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners state that they would like to vacate this dedicated right-of-way so that they could clean up the area and improve the neighborhood.

The petitioned portion of Berkley is not open or improved. There is a substantial grade difference between the existing Nevada pavement and this right-of-way. The right-of-way also contains some trees that would have to be removed for any improvement to take place.

We have two concerns regarding this petition. The submitted survey indicates a 7.5 foot easement that runs through the southern end of this right-of-way. We believe that there would be a need to maintain continuity of the 7.5 foot easement.

The second concern is that records (and the petition) show that Kenneth E. & Wretha Douglas and J-A II Limited Partnership are the owners of separate parcels of ground that abuts the south end of this right-of-way, but they were not represented on the petition by appropriate signature. This portion of Berkley Avenue appears to be their only means of access to a public street, and vacation therefore would effectively landlock these parcels. Mr. Weber submitted appropriate signatures at the Public Hearing that

indicates their consent, and willingness to participate.

The criteria used by staff for vacations includes an evaluation of access needs, property values, and the potential for orderly growth. Staff strongly supports the concept that all property should have access to a public right-of-way in order to be developed, however staff is also sensitive to the wishes of the abutting property owners.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility relocations or replacement easements as needed (including a 7 1/2 ft. easement at the south end of the right-of-way), and for the following reasons:

- 1) Approval represents the wishes of the abutting property owners.
- 2) Approval does not have a negative impact on property values.

RESOLUTION 79-227-6

WHEREAS, WILBUR WEBER, JULIA E. WEBER, KENNETH E. & WRETHA DOUGLAS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

That part of the right-of-way of Berkley Drive which lies between Lots numbered 107 and 108 in Statewood Park, Section "C", according to the plat thereof, recorded in Plat Book 19, page 165 in the Office of the Recorder of the Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northeast corner of said Lot number 107; thence East, a distance of 50 feet to the Northwest corner of said Lot number 108; thence Southerly, on and along the West line of said Lot number 108, a distance of 150 feet to the Southwest corner thereof; thence West, a distance of 50 feet to the Southeast corner of said Lot number 107; thence Northerly, on and along the East line of said Lot number 107, a distance of 150 feet to the point of beginning, containing 0.17 acres of land.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:


COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

APRIL 29, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 29 DAY OF APRIL 1992

FORT WAYNE BOARD OF PUBLIC WORKS



Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works



C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, WILBUR WEBER, JULIA E. WEBER, KENNETH E. & WRETHA DOUGLAS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

That part of the right-of-way of Berkley Drive which lies between Lots numbered 107 and 108 in Statewood Park, Section "C", according to the plat thereof, recorded in Plat Book 19, page 165 in the Office of the Recorder of the Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northeast corner of said Lot number 107; thence East, a distance of 50 feet to the Northwest corner of said Lot number 108; thence Southerly, on and along the West line of said Lot number 108, a distance of 150 feet to the Southwest corner thereof; thence West, a distance of 50 feet to the Southeast corner of said Lot number 107; thence Northerly, on and along the East line of said Lot number 107, a distance of 150 feet to the point of beginning, containing 0.17 acres of land.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 24, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

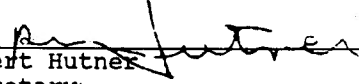
STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan

Commission following a public hearing of said Commission held,
March 2, 1992 and as the same appears of record in the
official records of said Plan Commission.

DATED THIS 4th DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner
Secretary

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of May, 1992, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of May, 1992.

Sandra E. Kennedy
City Clerk